

Our Ref: SHF.349.019

2nd March 2026

Rochdale Metropolitan Borough Council
Economy and Environment
Planning Service
Rochdale
OL16 1XU

by email: development.management@rochdale.gov.uk

Dear Sir/Madam,

REF: Application for S73 Variation of Conditions 1 and 2 of Planning Permission 24/00253/VRCON at Land off Royle Barn Road, Rochdale.

PLANNING PORTAL REFERENCE: PP-13887867

This application is for a S73 Minor-Material Amendment (“MMA”) application submitted to Rochdale Borough Council (“the Council”) by Enzygo Ltd (“the Agent”), on behalf of ADV 003 Limited (“the Applicant”). The Application relates to an alteration in the approved drainage design, with the site now requiring a soakaway and an attenuation tank.

Background

Consent for the Battery Energy Storage System (BESS) was granted by Rochdale Borough Council on 10th February 2022 under application reference 21/01098/FUL at the site above; the description of the development being:

‘Construction of 40MW energy storage facility (with an operational limit of 35MW), with associated control and auxiliary equipment, parking, boundaries, and landscaping. Creation of associated vehicular access onto Royle Barn Road, Rochdale.’

A Minor Material Amendment application was granted planning permission in August 2024, reference 24/00253/VRCON, relating to minor alterations to the site layout and elements within the approved facility, with the application description being:

‘Section 73 application to vary conditions 2 (Plans), 3 (Drainage Pre-Commencement), 5 (Planting) and 7 Acoustic Fencing) of planning permission 21/01098/FUL to amend the site layout and infrastructure amendments.’

The Minor Material Amendment application is considered the appropriate application route for the Applicant's proposed amendments to enable the construction and commission of the much-needed energy facility. The red line boundary and the description of the approved proposal are unchanged through this application.

Consideration of alterations as a minor-material amendment

With regard to the process of the proposed changes to the planning permission, Section 73 of the Town and Country Planning Act 1990 (as amended) shows applicants seek permission for a Minor Material Amendment ("MMA") to a previously approved scheme.

The Planning Practice Guidance (PPG) provides further advice on Section 73 applications and notes at paragraph 013 (Reference ID: 17a-013-20230726) that one of the uses of a Section 73 application is to seek a minor material amendment where a relevant condition can be varied.

There is no statutory definition of a 'minor material amendment', however it is considered likely to include any amendment where the scale and/or nature results in a development which is not substantially different from the one which has been approved.

In this case, given the minor scale of the amendment in comparison with the approved permission, it is considered the proposed revision in the drainage design will not amount to development that is substantially different to what was approved under planning reference 24/00253/VRCON.

The proposed amendment detailed within this application is a prerequisite for the correct functioning of the approved BESS. Notwithstanding the attenuation tank and soakaway that shall be added to the drainage design shall be below ground, it is considered that due to the positioning of the approved scheme and boundary treatments, the proposed changes will be screened and there will be no material change in terms of the visual impact of the consented development when viewed from nearby public vantage points.

In addition, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, it is considered the proposed amendments comply with the relevant policies of the Development Plan as assessed in the approved permission.

This application seeks to vary the following conditions attached to the extant planning permission:

Condition 1

This permission relates to the following plans and report:-

- Location Plan (ref: 23191-0201 rev P1)
- MAS008-PL-01 - Royle Barn Road site layout plan Rev P5 (1:1000)
- MAS008-PL-02 - Royle Barn Road site layout plan Rev P1 (1:500)
- 001 - TX + MV Skid
- 002 - Auxiliary Transformer Elevation
- 003 - Envision Liquid-Cooled BESS DC Side
- 004 - DNO Control Room Elevation
- 005 - BESS Switchroom + Control Room

- 006 - Battery Cabinet Elevation
- 007- Fence
- 008 - Welfare
- 009 - Battery Inverter- 010 - Gate
- 1330/01 Rev B (09/08/24) - Landscape Proposals
- ROY-PPC-00-XX-DR-C-0211 Rev P5 - External Works Drainage Strategy
- SD-01 3m Acoustic Fence
- Battery Energy Storage Site, Royle Barn Road, Rochdale - Noise

and the development shall be carried out in complete accordance with these drawings and the report hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

Condition 2

The development shall be undertaken in accordance with the drainage details indicated in approved drawing ref ROY-PPC-00-XX-DR-C-0211 Rev P5 - External Works Drainage Strategy and in the email received by the Local Planning Authority from Enzygo on 15.08.2024

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with the requirements of Policy G8 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Proposed Amendments in relation to Conditions 1 and 2

The surface water drainage scheme for the planning consent was based upon the Applicant's Drainage Strategy Plan ref. ROY-PPC-00-XX-DR-C-0211 Rev P5 - External Works Drainage Strategy.

This has now been revised and shall be superseded by Royal Barn Stormwater Drainage Strategy rev 4, 1248769- Royle Barn Road-GA-07 rev I, and 1248769- Royle Barn Road-GA-08 rev G, which are submitted via this MMA application.

Through initial construction investigations, flooding is apparent at the site due to unforeseen external issues, and the amendment to the drainage design is therefore required to provide a solution for dealing with an unknown quantity of water, this being a mechanism for the constant removal of water, i.e. pumping.

The attenuation tank would only come into use for storm events greater than 1:100 year plus 40% climate change. Whilst the issue of exceedance has been considered, the proposal avoids excess rainwater discharging to surrounding sites and thus only transferring the issue.

The revised drainage design ensures the site shall not flood under exceedance flows or due to external inflows, as potential flooding of the site may be detrimental to the BESS equipment. The volumes of water

from glacial flows and external sources cannot be calculated and therefore need to be dealt with as and when these excess flows arise.

The site's soil permeability is considered relatively low and therefore, to protect the infrastructure onsite, any excess water will either need to be pumped off site or, when the water arises behind the retaining wall, discharged to a separate off-site soakaway.

The proposed amendment does not result in a significant change to the approved scheme and accordingly is considered a minor material amendment.

The applicant and agent has been in dialogue with the Flood and Drainage Engineer at Rochdale Borough Council to ascertain the acceptability of the revised plans, and following an exchange of information, the updated design has been deemed satisfactory.

We therefore seek to amend plan ROY-PPC-00-XX-DR-C-0211 Rev P5 - External Works Drainage Strategy listed under Conditions 1 and 2 affected by the limited changes to development, with 1248769- Royle Barn Road - Drainage Design Criteria Rev 1, DR-01 (DRAINAGE DETAILS) REV C, GA-07 (DRAINAGE PLAN) REV D, and GA-08 (ACCESS ROAD DRAINAGE) REV C.

Application Submission

The planning application also includes the following documents which have been uploaded to the Planning Portal website along with the above documents:

- S73 Application Form;
- Supporting letter;
- Royal Barn Stormwater Drainage Strategy rev 4
- 1248769- Royle Barn Road-GA-07 rev I
- 1248769- Royle Barn Road-GA-08 rev G

Conclusion

The application seeks a minor-material amendment under Section 73 of the Town and Country Planning Act 1990 to planning permission 24/00253/VRCON.

This letter demonstrates that the proposals are not substantially different to that approved and will facilitate the construction and operation of a Battery Energy Storage System to be quickly delivered onsite.

I trust this information is sufficient to allow you to register and progress the application within the statutory determination period for Section 73 applications. If you require any additional information or advice, please do not hesitate to get in touch.

The application fee of **£2,000.00** will be submitted under separate cover, via the Planning Portal.

Yours faithfully
and on behalf of Enzygo Ltd

Robert Gandy

Robert Gandy BA (Hons), MA, MRTPI

Principal Planning Consultant